

Unusual Scheme Proposed To Gain Downey's Freedom

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WASHINGTON — President Nixon's aides have begun weighing the pros and cons of an unusual scheme to gain freedom at last for imprisoned American John T. Downey, 41, by providing a "face-saving" formula for Chinese Communist leaders.

Under the plan President Nixon, during his Feb. 21-28 visit to mainland China, would propose to the Chinese leaders that Downey, of New Britain, Conn., be paroled into the President's personal custody.

Further, Nixon would concede that when Downey was captured during the Korean war in November 1952, Downey was in fact working for the Central Intelligence Agency (CIA), as the Chinese have insisted all along. That would represent the "face-saving" part of the formula.

Administration officials maintained a closed-mouth attitude Tuesday about the Downey case and the cases of two other Americans known to be languishing in Chinese prisons. They saw some ray of hope, however, for the release of the trio.

On Monday, the Chinese Communists surprised the world by releasing Richard Fecteau, 44, of Lynn, Mass., and Mary Ann Habert of Menlo Park, Calif., as a gesture to improve the atmosphere in advance of President Nixon's visit.

At the same time, they commuted the life sentence of Downey to five years.

All of this was an outgrowth of National Security Adviser Henry A. Kissinger's recent discussions with Chinese Premier Chou En-lai to lay the groundwork for the President's forthcoming Peking talks.

The arrangements provide for "free-wheeling" discussions among the President, Premier Chou and Communist party Chairman Mao Tse-Tung.

This would seem to leave room to bring up the Downey case and that of two servicemen also remaining in Red Chinese captivity — Air Force Capt. Philip E. Smith and Navy Lt. Robert Flynn.

The White House and the State Department have been urged to use the "face-saving" formula by Downey's relatives and friends, including Sean Downey of McLean, Va., and the prisoner's old Yale classmate, Jerome A. Cohen, now a faculty member at Harvard Law School.

"I have argued that the question of whose face is saved is not nearly as important as

saving a life," Sean Downey said in a telephone interview. "I have received some encouragement from the White House.

"The State Department's reaction has been more conservative. The word you get there is that the situation is very delicate and they don't want to rock the boat.

"This is really a tragic situation. John Downey was an honor graduate from Yale in 1952. He was a football player and a

wrestling champion — a young man of great promise — yet he has hardly enjoyed a year of adult life."

Downey and Fecteau were captured 19 years ago. At the time, American officials identified them as civilian employes of the U.S. Army whose aircraft disappeared on a flight from South Korea to Japan.

The Chinese Communists insisted Downey and Fecteau actually were CIA agents who were attempting to set up guerrilla bases in northeast China.

As long ago as last summer, Cohen proposed the United States admit Downey and Fecteau were spies in an effort to secure their freedom.

The question arises whether the face of the United States government is involved. The State Department is sticking to its story that the Chinese Communist charges against Downey and Fecteau were trumped up.

But Fecteau's divorced wife, Margaret Fecteau, held a news conference at her Lynn home Tuesday and was quoted by several Boston area newspapers as saying "The Chinese haven't been lying" about the spying charge. Later, however, she denied having made that comment.

Sean Downey, a business consultant who also does consulting work with the Justice Department on community relations, had no patience with the State Department's public attitude.

"What harm can be done now in admitting whatever mission John was on?" Sean Downey asked. "You just about have to assume he had some link with the CIA. What does the phrase 'civilian employe of the U.S. Army' mean if it doesn't mean something like that?"

The two Downey cousins are almost the same age and have always been particularly close. From 1941 to 1947, they lived just two doors away from each other in Wallingford, Conn.